



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



495086

MEMORANDUM

REPLY TO THE ATTENTION OF:

SUBJECT: ACTION MEMORANDUM - Request for Approval and Funding for a Time-Critical Removal Action at the Terry Corp Site, Dayton, Montgomery County, Ohio (Site ID # C5CB)

FROM: Steve Renninger, OSC
Emergency Response Branch 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Douglas Ballotti, Acting Director
Superfund Division

I. PURPOSE

This Action Memorandum documents the determination of an imminent and substantial threat to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances, and requests and documents your approval for the U.S. Environmental Protection Agency to expend up to \$441,791 to conduct a time-critical removal action at the Terry Corp Site (the Site) in Dayton, Montgomery County, Ohio.

The response actions proposed herein are necessary in order to mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances at the Site, a former warehouse for a commercial waterproofing business. EPA has documented the presence of hazardous substances in drums and containers including ignitable and corrosive waste streams.

The time-critical removal action proposed herein will mitigate the threats by properly identifying, consolidating, packaging, and ultimately removing and disposing off-site the abandoned hazardous substances, pollutants and contaminants at a CERCLA-approved disposal facility in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440). Additional Site activities will include Site security and perimeter air monitoring.

Response actions will be conducted in accordance with Section 104(a)(1) of CERCLA, 42 U.S. Code (USC) § 9604(a)(1) and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR§ 300.415, to abate or eliminate the immediate threat posed to public health and/or the environment by the presence of the hazardous substances at the Site.

The uncontrolled conditions of the hazardous substances present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 40 working days to complete.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: OHN000506333

Category: Time-Critical Removal Action

Historic records indicate that the Site was formerly utilized as a warehouse for a commercial waterproofing business. An investigation by Ohio Environmental Protection Agency (Ohio EPA) discovered chemicals (some hazardous, some unknown) stockpiled around and in the building that was used by the Terry Corporation (Terry Corp) until 2012. The Site includes a 6,000 square-foot concrete block building with windows adjacent to numerous commercial properties. The Site building is currently vacant.

A. Site Conditions and Background

1. Removal Site Evaluation

a) Site Background

Terry Corp operated from 1959-2012 as a contractor providing water proofing and coating services in the Dayton area. Numerous two-part chemical mixtures were stored and mixed on-site for application in commercial and residential buildings. A 6,000-gallon tanker trailer was utilized to mix chemical sealers where it was then transferred to 300-gallon totes for crews to apply in buildings.

On April 26, 2010, the City of Dayton Department of Water issued an Administrative Order to Terry Corp for a violation of the City of Dayton Sewer Use Ordinance. Terry Corp violated the City of Dayton Sewer Use Ordinance, which states, "No person shall discharge or cause to be discharged to any of the City's wastewater facilities any substances, materials, waters, or wastes in such quantities or concentrations which in whole or in part contain any type of oils, fat, or grease that may cause or contribute to the obstruction of the flow in sewers...." Terry Corp was assessed a fee of \$3,290 in the Administrative Order. (AR#1).

On April 19, 2016, City of Dayton Building Services Zoning Department discovered that 750 Albany Street, site of Terry Corp, appeared not to be in operation. The inspection identified drums improperly stored outside, totes of what appeared to be oil stored outside, open 5 gallon buckets of unknown liquids, and a tanker. The lot and grounds of the Site had not been kept up. The City of Dayton documented noticeable vegetation growth and evidence of possible use of the Site by vagrants. (AR#2).

On April 20, 2016, the City of Dayton Division of Environmental Management, Ohio EPA, and Dayton Fire Department (DFD) met with a representative of Terry Corp (the Site owner) at the

Site. During the site inspection, forty two drums, several 300 gallon totes and a tanker were identified on the Site. Three drums had tipped over and contents in the drums had leaked out. There were also signs of vagrants on the Site.

On April 20, 2016, the DFD issued a Notice of Violation to Terry Corp. DFD noted numerous 55-gallon drums marked or labeled and contents unknown. DFD required the owner to remove all containers from the Site. (AR#2).

On May 11, 2016, the Ohio EPA issued a Notice of Violation to Terry Corp due to an investigation that was conducted because of a complaint alleging there were 55-gallon drums on-site and there is a concern that the drums are leaking onto the ground. Ohio EPA noted the following hazardous waste rule violations:

- (a) Terry Corp has failed to identify the contents of the forty three – 55-gallon drums, two – 250-gallon totes and a tanker truck that was observed at the time of the investigation.
- (b) Terry Corp has failed to identify the contents of all of the containers that were observed inside the building that is located at 750 Albany Street, Dayton, Ohio.

The Ohio EPA Notice of Violation required Terry Corp to immediately inventory and identify the contents of all the containers at the Site. The Ohio EPA required Terry Corp to submit an inventory and evaluations including analytical results within 14 days. (AR#4).

On July 21, 2016, EPA On-Scene Coordinator Steve Renninger and EPA's Superfund Technical Assessment and Response Team (START) contractor conducted a site investigation of the Site. During the site inspection EPA observed approximately 81 55-gallon drums and 230 containers (having a volume of 5-gallons or less) on Site. Drums and containers were located in the northern portion of the building and outside (see Figure A-2). Drums and containers were noted to be rusted and deteriorated with contents spilled on the floor and adjacent to floor drains which lead to the storm water and municipal sewer system. A group of deteriorated drums was located outside of the Site building with contents spilled on the ground. Groups of smaller containers of waste were located on shelves, cabinets, piles, and comingled with solid waste in storage areas. Field screening was conducted by EPA START and documented drums and containers with pH <1 and volatile organic compound (VOC) concentrations as high as 618 ppm. Based on field screening results, EPA START collected 18 samples for laboratory analysis.

During the July 21, 2016, EPA site investigation, EPA documented abandoned chemical waste including containers containing ignitable and corrosive hazardous waste at the Site. Laboratory analytical results can be found in Table B-1.

Analytical results from samples TCS-05, TCS-07, TCS-10, TCS-16, TCS-18, TCS-20, TCS-21, TCS-24, TCS-24D, TCS-34, and TCS-37 documented liquid having flash points less than 140°F, which, according to 40 C.F.R. § 261.21, verifies the characteristic of a hazardous waste for ignitability (D001). A flashpoint was documented as low as 66 °F in sample TCS-05.

Analytical results from liquid samples TCS-27, TCS-27D, TCS-29, and TCS-35 documented liquid waste having a pH level less than 2.0 standard units, which, according to 40 C.F.R. § 261.22, verifies the characteristic of a hazardous waste for corrosivity (D002).

b) City of Dayton

On July 7, 2016, the City of Dayton requested EPA assistance for the removal of chemical wastes found at the former Site of the Terry Corp. The City of Dayton noted that contents in the containers at the Site include corrosive and flammable materials and other known and unknown types of chemicals. The City of Dayton reported that the chemical wastes at the Site are stored in open and closed 5 gallon containers, drums that are not properly secured, totes, a tanker trailer, and other containers. These materials pose a fire risk and a risk of a spill impacting sanitary sewers, and the potential of a spill reaching the ground surface or nearby storm drains and then to the Great Miami River. It also appears that vagrants have been accessing the Site, which raises other safety concerns (AR#5).

c) Ohio EPA

On May 11, 2016, the Ohio EPA issued a Notice of Violation to Terry Corp due to an investigation that was conducted because of a complaint alleging the presence of 55-gallon drums on-site and concerns that the drums were leaking onto the ground. In a document dated August 19, 2016, Ohio EPA formally requested assistance from EPA to determine if the Site meets the criteria for a removal action (AR#9).

2. Physical Location

The Terry Corp Site is located at 750 Albany Street, and is situated in a commercial area of Dayton, Montgomery County, Ohio 45408 (Figure A-1). The geographical coordinates for the Site are 39.744325° North latitude and -84.209201° West longitude. The Site is bordered by commercial businesses in all directions (Figure A-2). Commercial businesses are located within 30 feet of the Site.

An Environmental Justice (EJ) analysis for the Site is contained in Attachment III. Screening of the surrounding area used Region 5's EJ Screen Tool, which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT). Region 5 has reviewed environmental and demographic data for the area surrounding the site at 750 Albany Street, Dayton, OH, and determined there is a high potential for EJ concerns at this location.

3. Site Characteristics

The Terry Corp Site includes a 6,000 square-foot structure and is located in an area of mixed occupancy use groups with an estimated population of 5,239 within a one-mile radius. Commercial businesses surround the Site in all directions. Historic records indicate the Terry Corp operated from 1959-2012 as contractor providing water proofing and coating services in the Dayton area. The Site is currently vacant and fenced, with outdoor drums and tanker trailer. There is visual evidence of trespassing on site.

EPA performed a site investigation on July 21, 2016 and documented approximately eighty-one 55-gallon drums and 230 containers (having a volume of 5-gallons or less) are on Site. Photographic documentation can be found in Figure A-3. Drums and containers were noted to be rusted and deteriorated with contents spilled on the floor in close proximity to floor drains which lead to the municipal sewer system. The proposed time-critical removal will be the first removal action at the Site by EPA. No other entities are conducting or have conducted efforts to control contamination at the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

EPA confirmed the presence of a threat of release of hazardous substances, pollutants, or contaminants at the Site as defined by Section 101(14) of CERCLA, including the presence of corrosive (acid) and ignitable hazardous waste in drums and containers. EPA documented approximately eighty-one 55-gallon drums and 230 containers (having a volume of 5-gallons or less) are on Site. Drums and containers were noted to be rusted and deteriorated with contents spilled on the floor in close proximity to floor drains which lead to the municipal sewer system. A group of deteriorated drums and tanker trailer were located outside of the Site building.

A release or threat of release of hazardous substances, pollutants, or contaminants is present at the Site. The Site is abandoned, with evidence of trespassing. Drums and other containers at the Site are in poor condition and are leaking. Sampling during the site investigation documented the presence of drums and containers with contents that contain corrosive and ignitable hazardous waste.

5. NPL status

There are no nationally significant or precedent setting issues associated with this Site. The Site is not on the National Priorities List (NPL).

6. Maps, pictures and other graphic representations

Figure A-1 Site Location Map

Figure A-2 Site Layout Map

Figure A-3 Photo Documentation

Attachment III - Environmental Justice (EJ) analysis are included as attachments.

B. Other Actions to Date

1. Previous actions

This Action Memo documents previous actions by Ohio EPA, City of Dayton, and Dayton Fire Department in the Background section (Section II.A.1).

2. Current actions

The Site has been documented to contain approximately eighty-one 55-gallon drums and 230 containers (having a volume of 5-gallons or less) containing corrosive and ignitable hazardous waste. The Site is currently vacant, and there is evidence of trespassing. The possibility exists that trespassing could continue which may result in a potential exposure to public health or welfare or the environment. There are currently no actions being conducted at the Site.

C. State and Local Authorities' Roles

On April 26, 2010, the City of Dayton Department of Water issued an Administrative Order to Terry Corp for a violation of the City of Dayton Sewer Use Ordinance (AR#1).

On April 20, 2016, the City of Dayton Division of Environmental Management, Ohio EPA, and Dayton Fire Department (DFD) met with a representative of Terry Corp (the Site owner) at the Site. During the site inspection, forty-two drums, several 300-gallon totes and a tanker were in the outside lot on the Site. Three drums had tipped over and contents in the drums had leaked out. On April 20, 2016, the DFD issued a Notice of Violation to Terry Corp that required the owner to remove all containers from the Site. On July 7, 2016, the City of Dayton requested EPA assistance for the removal of chemical wastes found at the former Site of the Terry Corporation (AR#5).

On May 11, 2016, the Ohio EPA issued a Notice of Violation to Terry Corp due to an investigation that was conducted because of a complaint alleging the presence of 55-gallon drums on-site and concerns that the drums were leaking onto the ground. The Ohio EPA Notice of Violation required Terry Corp to immediately inventory and identify the contents of all the containers at the Site. In a letter dated August 19, 2016, Ohio EPA formally requested assistance from EPA to determine if the Site meets the criteria for a removal action (AR#9).

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Terry Corp Site present a threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the NCP, 40 C.F.R. § 300.415(b)(2). These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

During the July 21, 2016, EPA site investigation, EPA documented abandoned chemical waste including containers and drums containing ignitable and corrosive hazardous waste at the Site. Laboratory analytical results can be found in Table B-1.

Analytical results from samples TCS-05, TCS-07, TCS-10, TCS-16, TCS-18, TCS-20, TCS-21, TCS-24, TCS-24D, TCS-34, and TCS-37 documented liquid having flash points less than 140°F, which, according to 40 C.F.R. § 261.21, verifies the characteristic of a hazardous waste for ignitability (D001). A flashpoint was documented as low as 66 °F in sample TCS-05.

Analytical results from liquid samples TCS-27, TCS-27D, TCS-29, and TCS-35 documented liquid waste having a pH level less than 2.0 standard units, which, according to 40 C.F.R. § 261.22, verifies the characteristic of a hazardous waste for corrosivity (D002).

There is a potential for the migration of corrosive and ignitable waste from deteriorated drums and containers into the environment and on-site storm water drains. Commercial businesses are located within 30 feet of the Site. The Site has a history of trespassing that continues to occur.

There is potential exposure to nearby human receptors, including nearby commercial occupants from the hazardous substances, pollutants, or contaminants on-site. Future trespassers could cause an accidental or intentional release of hazardous material and come into contact with hazardous materials. The close proximity of commercial areas to the abandoned Site greatly increases the likelihood of human health and environmental impacts should such an occurrence or release take place. Potential exposure could occur through each of these migration pathways and cause imminent endangerment to human health and the environment.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;

EPA confirmed the presence of hazardous substances, pollutants, or contaminants at the Site including the presence of corrosive and ignitable hazardous waste in drums and containers.

During the site investigation, EPA observed eight-one 55-gallon drums, a tanker trailer, and 230 containers (having a volume of 5-gallons or less) on Site. Drums and containers were located in the northern area of the building and outside along the perimeter fence. Drums and containers were noted to be rusted and deteriorated with contents spilled on the floor and adjacent to floor drains which lead to the municipal sewer system. A group of deteriorated drums was located outside of the Site building, including several with spilled contents on the surrounding soil. Groups of smaller containers of waste were located on shelves, cabinets, piles, in storage areas of the building. Waste containers were located in close proximity to floor drains.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Southwestern Ohio receives a substantial amount of precipitation during spring, and winter temperatures are normally below freezing. Weather conditions will contribute to the further deterioration of the already severely corroded drums and containers that have been documented to contain flammable and corrosive wastes.

There is nothing to prevent freezing and thawing of the contents in the drums and containers. Indoor drums and containers were noted to be open and deteriorated with contents spilled on the floor and in close proximity to floor drains which lead to the municipal sewer system. A group of deteriorated drums was located outside of the Site building. Several drums were noted as bulging due to summer heat and volatile organic contents. Additionally, outdoor drums were noted with spilled contents on the surrounding soil, enabling contamination to migrate off-site following rain.

Threat of fire or explosion;

Analytical results from EPA site investigation documented that material in drums and containers were flammable wastes and posed a threat of fire or explosion. EPA documented 11 samples having flashpoint results at or below 140 °F, which is the criteria for ignitibility for a RCRA characteristic waste. Sample TCS-05 was documented with a flashpoint as low as 66 °F. As such, these materials represent a threat of fire or explosion.

The availability of other appropriate Federal or state response mechanisms to respond to the release;

Ohio EPA does not have the resources to respond to this Site. In a letter dated August 19, 2016, Ohio EPA formally requested assistance from EPA to determine if the Terry Corp Site met the criteria for a removal action (AR#9).

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on Site will include:

1. Develop and implement a Site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
2. Develop and implement a Site Security Plan;
3. Characterize, remove, transport and dispose of all characterized or identified hazardous waste and associated debris located at the Site in accordance with EPA's Off-Site Rule (40 CFR § 300.440);
4. Recycle non-hazardous waste;
5. Decontaminate floors and walls of Site building;

6. Remove outdoor drums and contaminated soil from outdoor drum area (estimate 20 cubic yards);
7. Develop and implement a post removal sampling plan to verify cleanup;
8. Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA OSC determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP.

Off-Site Rule

All hazardous substances, pollutants, or contaminants removed off-Site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to remedial performance:

The proposed action will not impede future actions based on available information. At this time, it is not known if long-term remedial actions will be needed for the Site.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable

Applicable or relevant and appropriate requirements (ARARs)

All applicable and relevant and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. The OSC submitted a letter dated August 5, 2016, to Cathy Altman, Ohio EPA Southwest District Office, requesting state ARARs for the Terry Corp Site (ARAR#7). Any state ARARs identified in a timely manner will be complied with to the extent practicable.

Project Schedule

The removal activities are expected to take 40 on-site working days to complete.

Estimated Costs

The Detailed Cleanup Contractor Cost Estimate is presented in Attachment I and the Independent Government Cost Estimate is presented in Attachment IV. Estimated project costs are summarized below:

<u>Regional Removal Allowance Costs</u>	
Total Cleanup Contractor Costs (Includes a 20% contingency)	\$334,666
<u>Other Extramural Costs Not Funded from the Regional Allowance</u>	
Total START, including multiplier costs	\$49,500
Subtotal, Extramural Costs	\$384,166
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)	\$57,625
TOTAL REMOVAL ACTION PROJECT CEILING	\$441,791

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Section II, III, IV, and V above, actual or threatened releases of hazardous substances and pollutants or contaminants from this Site, if not addressed by implementing or delaying the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Confidential Enforcement Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be **\$831,699¹**

$$(\$441,791 + \$71,730) + (61.96\% \times \$513,521) = \$831,699$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the Terry Corp Site, located in Dayton, Montgomery County, Ohio, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site (Attachment II). Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal, and I recommend your approval of the proposed removal action.

The total removal action project ceiling, if approved, will be \$441,791. Of this, as much as \$392,291 comes from the Regional removal allowance.

APPROVE 
Douglas Ballotti, Acting Director
Superfund Division

DATE: 1/23/2016

DISAPPROVE _____
Douglas Ballotti, Acting Director
Superfund Division

DATE: _____

Enforcement Addendum

Figures:

- A-1 Site Location Map
- A-2 Site Layout Map
- A-3 Photographic Documentation

Tables:

- B-1 Laboratory Analytical Results

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Attachments:

- I. Detailed Cleanup Contractor Cost Estimate
- II. Administrative Record Index
- III. Region V EJ Analysis
- IV. Independent Government Cost Estimate

cc: B. Schlieger, EPA5202 G (Brian Schlieger/DC/USEPA/US)
L. Nelson, U.S. Department of Interior, **w/o Enf. Addendum**
(email: Lindy_Nelson@ios.doi.gov)
Craig Butler, Director, OEPA, **w/o Enf. Addendum** (email:
craig.butler@epa.state.oh.us)
Mike DeWine, Ohio Attorney General, **w/o Enf. Addendum**
(email: Mike.DeWine@ohioattorneygeneral.gov)

BCC PAGE HAS BEEN REDACTED

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

**ENFORCEMENT ADDENDUM
TERRY COMPANY SITE
DAYTON, MONTGOMERY COUNTY, OHIO
NOVEMBER 2016**

ENFORCEMENT ADDENDUM

HAS BEEN REDACTED – FIVE PAGES

ENFORCEMENT CONFIDENTIAL

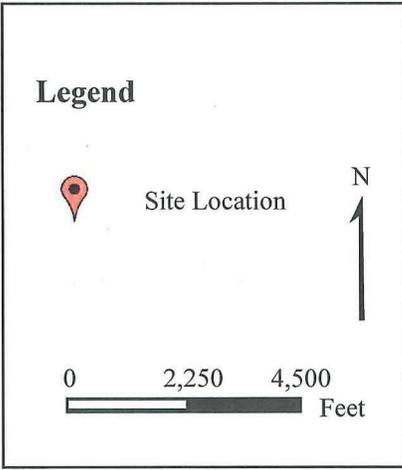
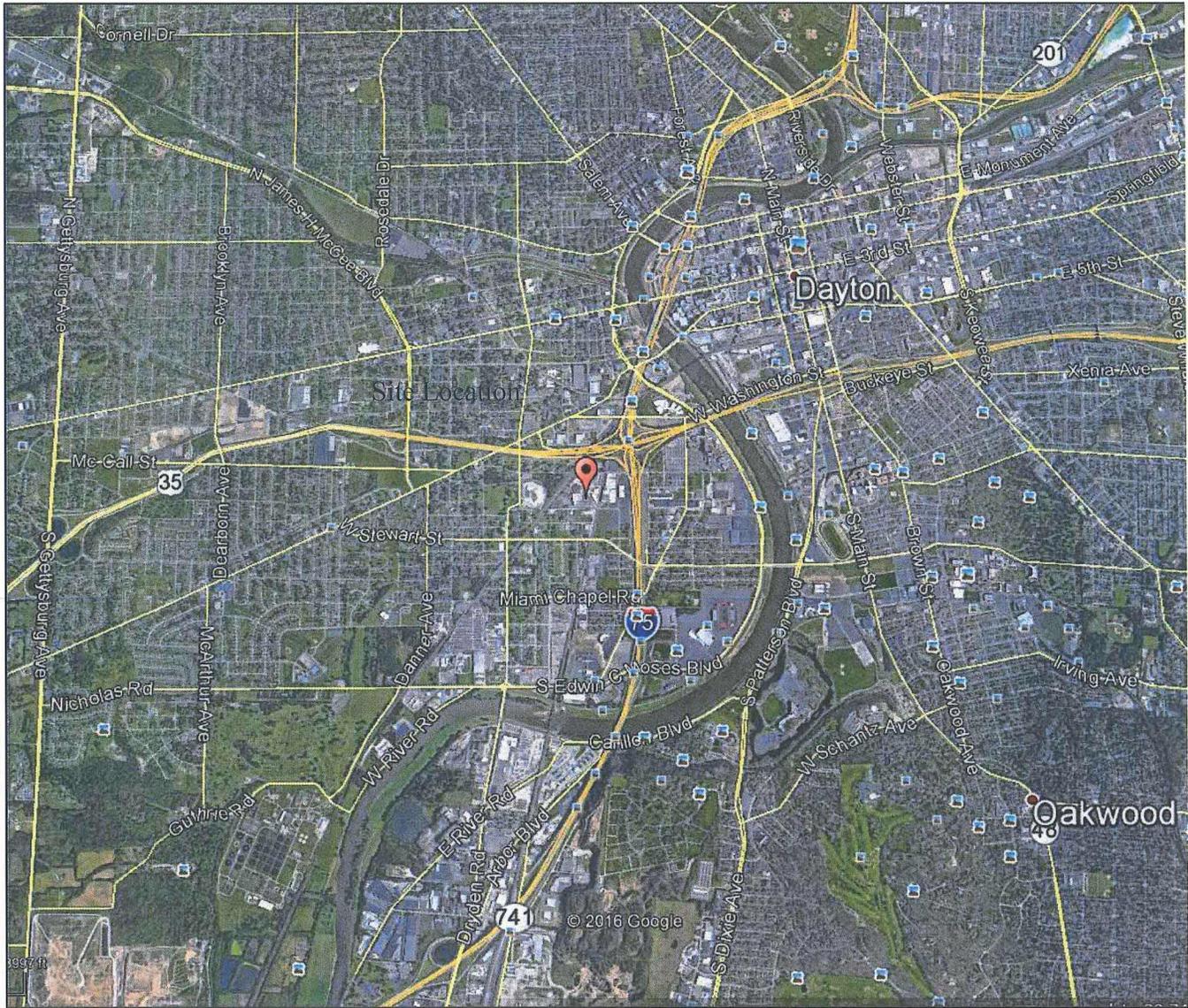
NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

FIGURE A-1
SITE LOCATION MAP




United States Environmental Protection Agency

TERRY COMPANY SITE - RS
 DAYTON, MONTGOMERY COUNTY, OH
 TDD No. S05-0001-16-06-001

FIGURE 1
SITE LOCATION MAP



SRS
 An Oneida ESC Group Company

FIGURE A-2
SITE LAYOUT MAP



Aerial Source: Google Earth 2016

Disclaimer: This map is intended for visual orientation use only. In no way is this map to be used for precise locational use.

Legend



Site Boundary/Fence



Sample Location



Waste Pile – Multiple Sample Locations

TCS-05 Sample Designation

N

0 50 100 Feet



United States Environmental Protection Agency

TERRY COMPANY SITE - RS
DAYTON, MONTGOMERY COUNTY, OH
TDD No. S05-0001-16-06-001

FIGURE 2
SITE LAYOUT MAP



FIGURE A-3

PHOTOGRAPHIC DOCUMENTATION



Photo 1: Terry Corp building (left) located at 750 Albany Street, Dayton, OH



Photo 2: Unknown drums staged outside



Photo 3: Tanker containing unknown liquid (pH = 10 SU)



Photo 4: Unknown drums and containers labeled Flammable Liquid



Photo 5: Containers labeled Corrosive, Phosphoric Acid, pH = 1.4 SU



Photo 6: Leaking drum with stained soil, VOCs = 440 ppm, Flashpoint = 96 °F

TABLE B-1
LABORATORY ANALYTICAL RESULTS
TERRY CORP SITE
July 21, 2016 Site Investigation

**Table B 1
Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-05	TCS-07
Container Type	5-gallon plastic	1 Liter metal
Matrix	Liquid	Liquid
Label Information	Protectosil® CHEM-TRETE 40 VOC – Ethanol - Flammable	Paint additive
		
Field Screening Results		
Multi-Rae VOCs Reading	56 ppm	618 ppm
pH	N/A	N/A
Lab Results		
Flashpoint	< 66 °F	< 85 °F
pH	N/A	N/A
VOCs	U	N/A

Notes:

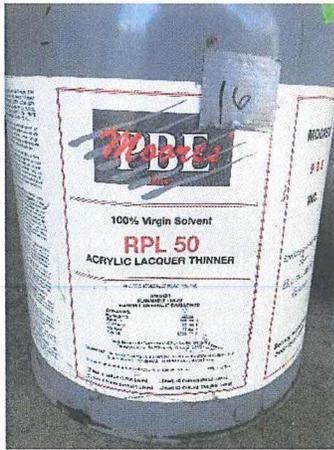
TCS Terry Company Site
 VOCs Volatile Organic Compounds
 ppm parts per million
 N/A not analyzed
 °F Fahrenheit
 SU Standard Units
 U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-10	TCS-16
Container Type	5-gallon plastic	5-gallon plastic
Matrix	Liquid	Liquid
Label Information	Neogard® - Epoxy Primer – Flammable 	RPL 50 – Acrylic Lacquer Thinner – Toluene, Methanol, Acetone, Xylene – Flammable 
Field Screening Results		
Multi-Rae VOCs Reading	350 ppm	168 ppm
pH	N/A	N/A
Lab Results		
Flashpoint	< 70 °F	< 70 °F
pH	N/A	N/A
VOCs	N/A	U

Notes:

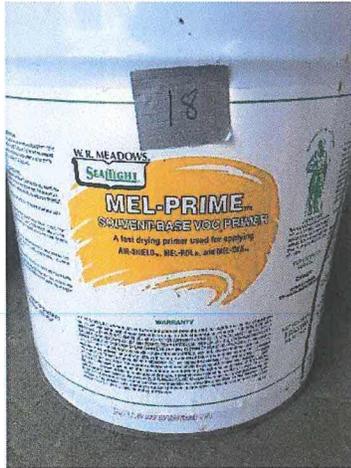
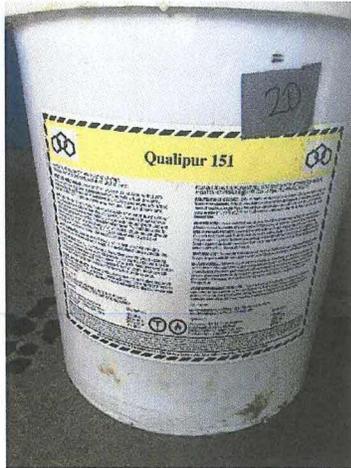
TCS Terry Company Site
VOCs Volatile Organic Compounds
ppm parts per million
N/A not analyzed
°F Fahrenheit
SU Standard Units
U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-18	TCS-20
Container Type	5-gallon plastic	5-gallon plastic
Matrix	Liquid	Liquid
Label Information	Mel-Prime™ - Solvent-base VOC Primer – Flammable	Qualipur 151 – Flammable
		
Field Screening Results		
Multi-Rae VOCs Reading	515 ppm	15 ppm
pH	N/A	N/A
Lab Results		
Flashpoint	< 70 °F	< 105 °F
pH	N/A	N/A
VOCs	N/A	N/A

Notes:

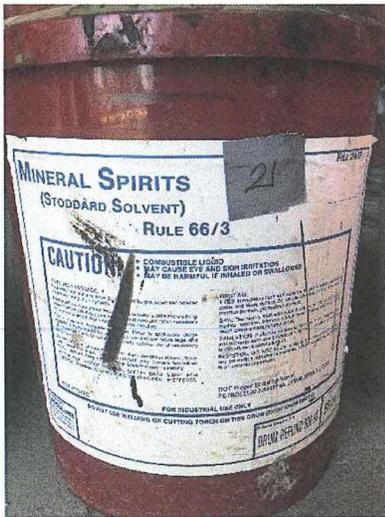
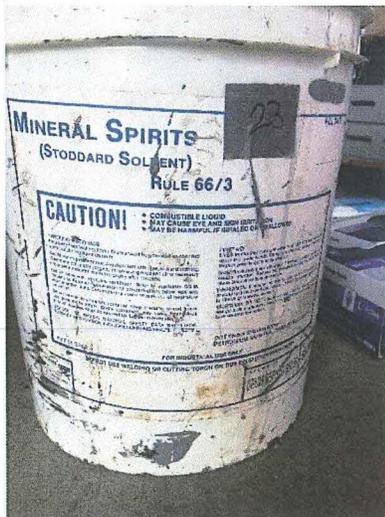
TCS Terry Company Site
 VOCs Volatile Organic Compounds
 ppm parts per million
 N/A not analyzed
 °F Fahrenheit
 SU Standard Units
 U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-21	TCS-23
Container Type	5-gallon plastic	5-gallon plastic
Matrix	Liquid	Liquid
Label Information	Mineral Spirits – Stoddard Solvent 	Mineral Spirits – Stoddard Solvent 
Field Screening Results		
Multi-Rae VOCs Reading	122 ppm	5 ppm
pH	N/A	N/A
Lab Results		
Flashpoint	< 117 °F	> 200 °F
pH	N/A	N/A
VOCs	N/A	N/A

Notes:

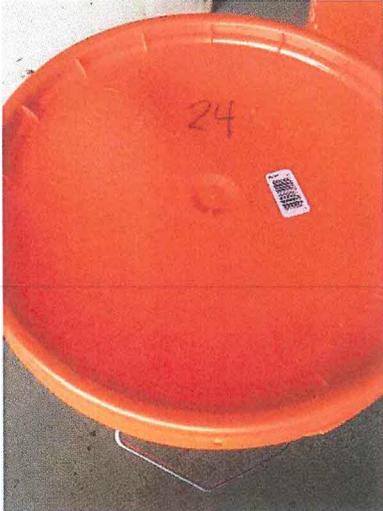
- TCS Terry Company Site
- VOCs Volatile Organic Compounds
- ppm parts per million
- N/A not analyzed
- °F Fahrenheit
- SU Standard Units
- U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-24, TCS-24D (Duplicate)	
Container Type	1 Liter metal	5-gallon plastic overpack
Matrix	Liquid	Liquid
Label Information	Vulkem Primer 17 	Re-containerized sample TCS-24 and TCS-24D 
Field Screening Results		
Multi-Rae VOCs Reading	440 ppm	440 ppm
pH	N/A	N/A
Lab Results		
Flashpoint	96 °F	101 °F
pH	N/A	N/A
VOCs	N/A	N/A

Notes:

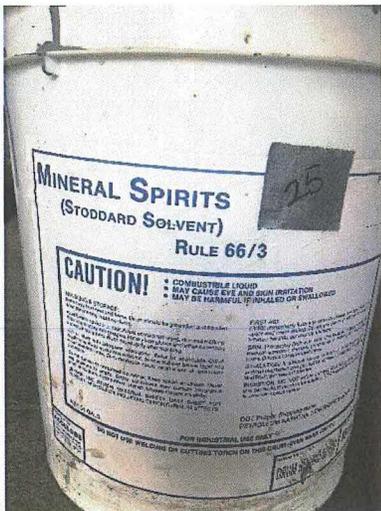
- TCS Terry Company Site
- VOCs Volatile Organic Compounds
- ppm parts per million
- N/A not analyzed
- °F Fahrenheit
- SU Standard Units
- U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-25	TCS-27
Container Type	5-gallon plastic	5-gallon plastic
Matrix	Liquid	Liquid
Label Information	Mineral Spirits – Stoddard Solvent 	Special Truck & Trailer Wash – Corrosive 
Field Screening Results		
Multi-Rae VOCs Reading	13 ppm	N/A
Ph	N/A	1 SU
Lab Results		
Flashpoint	> 200 °F	N/A
Ph	N/A	1.4 SU
VOCs	N/A	N/A

Notes:

- TCS Terry Company Site
- VOCs Volatile Organic Compounds
- ppm parts per million
- N/A not analyzed
- °F Fahrenheit
- SU Standard Units
- U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

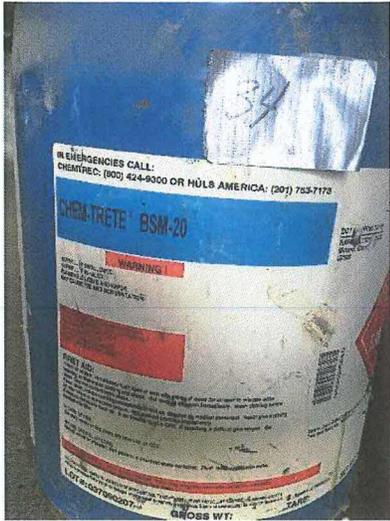
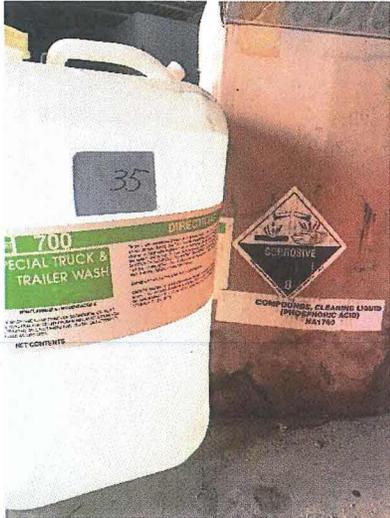
Sample Designation	TCS-27D	TCS-29
Container Type	5-gallon plastic	1-gallon plastic
Matrix	Liquid	Liquid
Label Information	Special Truck & Trailer Wash – Corrosive 	Hydrochloric Acid (handwritten) 
Field Screening Results		
Multi-Rae VOCs Reading	N/A	N/A
pH	1 SU	>2 SU
Lab Results		
Flashpoint	N/A	145 °F
pH	1.4 SU	>1 SU
VOCs	N/A	N/A

Notes:

- TCS Terry Company Site
- VOCs Volatile Organic Compounds
- ppm parts per million
- N/A not analyzed
- °F Fahrenheit
- SU Standard Units
- U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24
 Sample TCS-27D is the duplicate sample of TCS-27
 Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

**Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio**

Sample Designation	TCS-34	TCS-35
Container Type	5-gallon plastic	5-gallon plastic
Matrix	Liquid	Liquid
Label Information	CHEM-TRETE® BSM-20 – Methanol, Ethanol - Flammable 	Special Truck & Trailer Wash – Corrosive 
Field Screening Results		
Multi-Rae VOCs Reading	165 ppm	N/A
pH	N/A	1 SU
Lab Results		
Flashpoint	< 74 °F	1.6 SU
pH	N/A	N/A
VOCs	U	N/A

Notes:

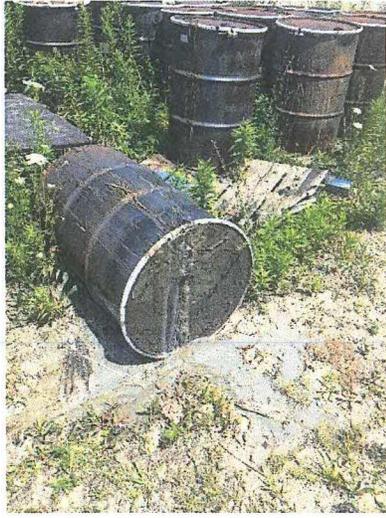
- TCS Terry Company Site
- VOCs Volatile Organic Compounds
- ppm parts per million
- N/A not analyzed
- °F Fahrenheit
- SU Standard Units
- U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

Table B 1 cont.
Draft – Sample Summary
Terry Company Site
Dayton, Montgomery County, Ohio

Sample Designation	TCS-36	TCS-37
Container Type	6,000-gallon Tanker	55-gallon metal drum
Matrix	Liquid	Liquid
Label Information	Unlabeled Tanker	Unlabeled Drum
		
Field Screening Results		
Multi-Rae VOCs Reading	N/A	440 ppm
pH	10 SU	N/A
Lab Results		
Flashpoint	N/A	96 °F
pH	9 SU	N/A
VOCs	N/A	U

Notes:

- TCS Terry Company Site
- VOCs Volatile Organic Compounds
- ppm parts per million
- N/A not analyzed
- °F Fahrenheit
- SU Standard Units
- U Analyzed but not detected above the method detection limit

Sample TCS-24D is the duplicate sample of sample TCS-24

Sample TCS-27D is the duplicate sample of TCS-27

Samples were submitted to ALS Environmental laboratory for analysis under TDD No. S05-0001-16-06-001.

ATTACHMENT I

DETAILED CLEANUP CONTRACTOR ESTIMATE

HAS BEEN REDACTED – ONE PAGE

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ATTACHMENT II

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**ADMINISTRATIVE RECORD
FOR THE
TERRY CORP SITE
DAYTON, MONTGOMERY COUNTY, OHIO**

**ORIGINAL
SEPTEMBER, 2016**

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	928879	4/26/10	Clements, T., City of Dayton	Terry, S., Terry Corp.	Administrative Order - Sewer Discharge	1
2	928881	4/20/16	City of Dayton Fire Department	Terry, S., Terry Corp.	Fire Inspection Report	1
3	928882	5/5/16	Dickstein, S., City of Dayton	Simmons, M., City of Dayton	Memo re: 2016 Hazardous Business Clean-Up (750 Albany St.)	1
4	928880	5/11/16	Willoughby, P., OEPA	Terry, S., Terry Corp.	Letter re: Hazardous Waste Complaint Inspection	9
5	928878	7/7/16	Clements, T., City of Dayton	Renninger, S., U.S. EPA	Letter re: Request for U.S. EPA Assistance at the Terry Corporation Site	1
6	928883	7/7/16	City of Dayton	File	Timeline of Events - Discovery of Chemicals and Wastes at the Terry Corp. Site	2
7	928921	8/5/16	Renninger, S., U.S. EPA	Altman, C., OEPA	Letter re: Planned Actions at the Terry Corp. Site and Request for State ARARs	1
8	928928	8/6/16	Cooper, K., OTIE	Renninger, S., U.S. EPA	Draft Summary Sample Result Table for the July 21, 2016 Site Investigation	9

9	929452	8/18/16	Butler, C., OEPA	Augustyn, J., U.S. EPA	Letter re: Request for U.S. EPA Assistance at the Terry Corporation Site	1
10	929394	9/1/16	Stubbs, R., SRS Inc.	Renninger, S., U.S. EPA	Final Removal Assessment Report	78
11	-	-	Renninger, S., U.S. EPA	Ballotti, D., U.S. EPA	Action Memorandum re: Request for a Time-Critical Removal Action at the Terry Corp. Site (<i>PENDING</i>)	-

ATTACHMENT III

REGION 5 EJ ANALYSIS

An Environmental Justice (EJ) analysis for the Terry Corp Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Region 5 has reviewed environmental and demographic data for the area surrounding the site at 750 Albany Street, Dayton, OH, and determined there is a high potential for EJ concerns at this location.



EJSCREEN Report (Version 2016)



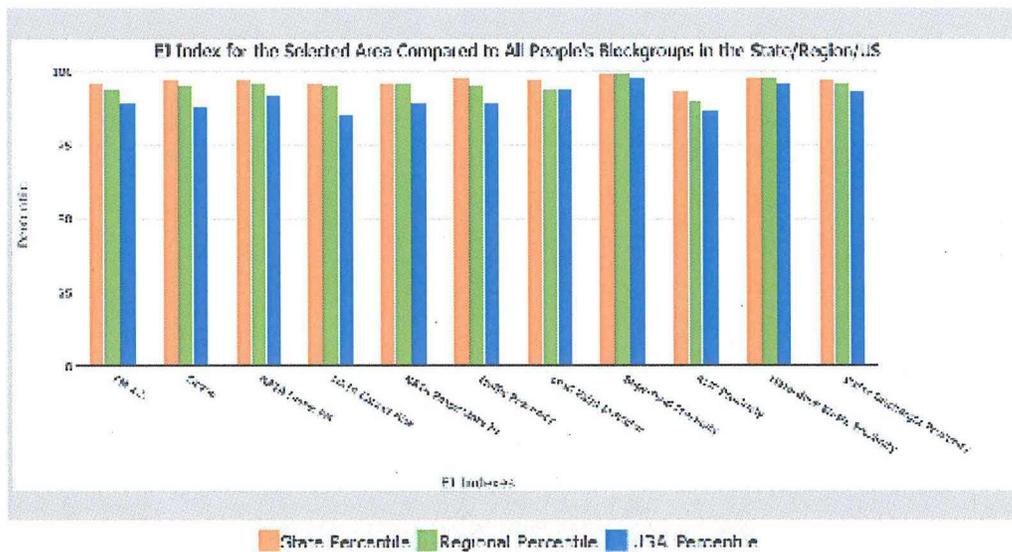
1 mile Ring Centered at 39.746052, -84.207964, OHIO, EPA Region 5

Approximate Population: 5,239

Input Area (sq. miles): 3.14

Terry Corp Site

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	96	94	89
EJ Index for Ozone	97	95	88
EJ Index for NATA ¹ Diesel PM	97	96	92
EJ Index for NATA ¹ Air Toxics Cancer Risk	96	95	85
EJ Index for NATA ¹ Respiratory Hazard Index	96	96	89
EJ Index for Traffic Proximity and Volume	98	95	89
EJ Index for Lead Paint Indicator	97	94	94
EJ Index for Superfund Proximity	99	99	98
EJ Index for RMP Proximity	93	90	87
EJ Index for Hazardous Waste Proximity	98	98	96
EJ Index for Water Discharger Proximity	97	96	93



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

ATTACHMENT IV

INDEPENDENT GOVERNMENT COST ESTIMATE

HAS BEEN REDACTED – TWO PAGES

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION